

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNILOC USA, INC. and
UNILOC LUXEMBOURG, S.A.,

Plaintiffs,

v.

HTC AMERICA, INC.

Defendant.

Case No. 2:17-cv-01558-JLR
(Lead Case)

Case No. 2:17-cv-01629-JLR

**DEFENDANT HTC AMERICA, INC.'S
SIXTH STATUS REPORT**

Pursuant to the Court's Order Granting Defendant HTC America, Inc.'s Unopposed Motion to Stay Pending *Inter Partes* Review [Dkt. 63] and the Joint Stipulation Order to Stay [Dkt. 81], Defendant HTC America, Inc. ("HTC") submits this sixth status report regarding Patent Trial and Appeal Board matters involving U.S. Patent Nos. 7,653,508 ("the '508 patent"), 7,881,902 ("the '902 patent"), 8,712,723 ("the '723 patent"), and 6,622,018 ("the '018 patent") (collectively, the "asserted patents"). This status report is timely filed within 90 days of the date when the last status report was due, November 18, 2019.¹ See Dkt. 79 (filed November 18, 2019) (hereinafter "Fifth Status Report").

¹ HTC would be pleased to provide any of the documents cited herein at the Court's request.

At the time of the Fifth Status Report, the Patent Trial and Appeal Board (the “Board”) had issued final written decisions in

IPR2018-00387, finding claims 1-4, 6-8, 11-16, and 19 of the ’508 patent unpatentable;²
 IPR2018-00389, finding claims 1-3, 5-7, 10-18 of the ’723 patents unpatentable;³ and
 IPR2018-00424, finding claims 1-6 and 10 of the ’902 patent unpatentable and claim 9 not unpatentable.⁴

In addition, the following matters were pending before the Board at that time:

1. For the ’508 patent, Uniloc’s appeal of IPR2018-00387 was pending before the Federal Circuit Court of Appeals. In addition, the Board’s final written decision on IPR2018-01589 (claim 20) had not yet issued.
2. For the ’723 patent, Uniloc’s appeal of IPR2018-00389 was pending before the Federal Circuit Court of Appeals.
3. For the ’902 patent, the deadlines for Uniloc to appeal the Board’s decisions in IPR2018-00424 and IPR2018-01028 had not yet passed.

Since the date of the Fifth Status Report, the following events have occurred:

1. For the ’508 patent, the Board found all challenged claims unpatentable in IPR2018-01589 on January 27, 2020.⁵
2. For the ’902 patent, Apple appealed the Board’s final written decision finding claim 9 of the ’902 patent unpatentable in IPR2018-00424 on December 27, 2019. And Uniloc filed a cross-appeal on December 30, 2019.⁶ And on January 3, 2020, Uniloc filed an appeal

² See IPR2018-00387, Paper 21 at 49 (PTAB June 17, 2019); See IPR2018-00389, Paper 20 at 45 (PTAB June 17, 2019); see also Dkt. 70 (HTC’s Status Report on Significant Developments).

³ See IPR2018-00387, Paper 21 at 49 (PTAB June 17, 2019); See IPR2018-00389, Paper 20 at 45 (PTAB June 17, 2019); see also Dkt. 70 (HTC’s Status Report on Significant Developments).

⁴ See IPR2018-00424, Paper 21 at 3 (PTAB July 16, 2019); see also Dkt. 71 (HTC’s Status Report on Significant Developments).

⁵ See IPR2018-01589, Paper 27 (PTAB Jan. 27, 2020).

⁶ See IPR2018-00424, Paper 25 (PTAB Dec. 30, 2019); see also IPR2018-00424, Paper 24 (PTAB Dec. 27, 2019).

challenging the Board's final written decision that claim 8 of the '902 patent is unpatentable in IPR2018-01028.⁷

The current status of the IPR proceedings for each asserted patent is as follows:

- For the '508 patent, the Board's final written decision on IPR2018-01589 (claim 20), issued on January 27, 2020, finding all challenged claims unpatentable.⁸ And Uniloc's appeal of IPR2018-00387 is pending before the Federal Circuit Court of Appeals.
- For the '723 patent, Uniloc's appeal of IPR2018-00389 is pending before the Federal Circuit Court of Appeals.
- For the '902 patent, Uniloc's request for rehearing of IPR2018-00424 was denied, and Uniloc's appeal of IPR2018-01028 is pending before the Federal Circuit of Appeals.
- For the '018 patent, Uniloc's request for rehearing is pending in both IPR2018-00394 and IPR2018-00395.⁹

The table below provides a summary of the pending IPR petitions on the asserted patents:

Patent	Petitioner (Joined Pet.)	AIA Review #	Status
'508	Apple (LG, HTC)	IPR2018-00387	Final Written Decision found all challenged claims unpatentable; Uniloc appealed
	HTC (Samsung)	IPR2018-01589	Final Written Decision (on claim 20) found all challenged claims unpatentable
	Samsung	IPR2019-00889	Joined with IPR2018-01589 for claim 20
'902	Apple (HTC, LG, Samsung)	IPR2018-00424	Final Written Decision found all challenged claims other than claim 9 unpatentable; request for rehearing denied; Apple appealed and Uniloc filed a cross-appeal
	Apple	IPR2018-01028	Final Written Decision found claim 8 unpatentable; Uniloc appealed

⁷ See IPR2018-01028, Paper 19 (PTAB Jan. 3, 2020); *see also* IPR2018-01028, Paper 18 (PTAB Nov. 5, 2019).

⁸ See IPR2018-01589, Paper 27 (PTAB Jan. 27, 2020)

⁹ See IPR2018-00394, Paper 21 (PTAB July 17, 2019); *see* IPR2018-00394, Paper 21 (PTAB July 18, 2019).

Patent	Petitioner (Joined Pet.)	AIA Review #	Status
'723	Apple (LG, HTC)	IPR2018-00389	Final Written Decision found all challenged claims invalid; Uniloc appealed
'018	Apple	IPR2018-00394	Final Written Decision found all challenged claims invalid; Uniloc filed a request for rehearing
	Apple	IPR2018-00395	Final Written Decision found all challenged claims invalid; Uniloc filed a request for rehearing

HTC will provide a further status update to the Court every 90 days during the stay, as ordered. If the case is resolved or there is a significant development at any time, HTC will file a status report regarding that development within five days of its occurrence.

Dated: February 18, 2020

Respectfully submitted,

WILLIAMS SIMONS & LANDIS PLLC

/s/ Fred I. Williams

Fred I. Williams (*pro hac vice*)

fwilliams@wsltrial.com

Todd E. Landis (*pro hac vice*)

tlandis@wsltrial.com

WILLIAMS SIMONS & LANDIS PLLC

327 Congress Ave., Suite 490

Austin, TX 78701

512-543-1354 telephone

YARMUTH LLP

Molly A. Terwilliger, WSBA No. 28449

mterwilliger@yarmuth.com

YARMUTH LLP

1420 Fifth Avenue, Suite 1400

Seattle, WA 98101

206.516.3800 telephone

206.516.3888 facsimile

Attorneys for Defendant HTC America, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served on February 18, 2020, with a copy of the foregoing document via electronic mail.

/s/ Fred I. Williams
Fred I. Williams